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CITY OF SUNNYVALE, CHRIS SEARLE and DARREN PANG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIKA CANAS, JOSE CANAS, a minor, by
and through his guardian ad litem, and JESUS
CANAS, by and through his guardian ad litem,

Plaintiffs,

v.

CITY OF SUNNYVALE, CHRIS SEARLE,
DARREN PANG and DOES ONE through
TWENTY FIVE,

Defendants.

Case No. C08-05771 TEH

**DEFENDANTS' MOTION *IN LIMINE* TO
EXCLUDE TESTIMONY BY PLAINTIFFS'
EXPERTS NOT PRODUCED FOR DEPOSITION**

(DEFENDANTS' MOTION *IN LIMINE* NO. 10)

Pretrial Conference: August 27, 2012
Time: 3:00 p.m.
Location: Courtroom 2, 17th Floor

Trial: September 11, 2012

Hon. Thelton E. Henderson

1 **I. INTRODUCTION**

2 Defendants Chris Searle, Darren Pang, and the City of Sunnyvale hereby move this Court *in*
3 *limine* for an Order excluding any and all testimony by plaintiffs' experts that have not been produced for
4 deposition.

5 **II. ARGUMENT**

6 Plaintiffs have not yet agreed to a date on which they will produce their experts for deposition.
7 Although the parties have agreed that expert discovery may occur after the August 20, 2012 date set by
8 the Court for completion of this discovery, defendants have noticed both Mr. Clark's and Mr. Allman's
9 depositions for August 22, 2012 and August 23, 2012, respectively, but plaintiffs have not yet agreed to
10 produce their experts on those dates, or any other dates. If defendants are unable to depose plaintiffs'
11 experts, their testimony should be excluded in its entirety for failure to comply with FRCP Rule
12 26(b)(4)(A).

13 **III. CONCLUSION**

14 Defendants therefore respectfully request an order *in limine* to exclude testimony by plaintiffs'
15 experts that have not been produced for deposition.

16
17 Dated: August 21, 2012

BERTRAND, FOX & ELLIOT

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19 By: /s/ Meaghan A. Snyder

20 Gregory M. Fox

21 Meaghan A. Snyder

22 Attorneys for Defendants

23 CITY OF SUNNYVALE, CHRIS SEARLE and
24 DARREN PANG
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